

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Dawn Pettit Payne,

Plaintiff,

v.

Nancy A. Berryhill, Acting Commissioner
of Social Security,

Defendant.

Civil Action No. 1:16-3222-TMC

ORDER

Plaintiff Dawn Pettit Payne (“Payne”) brought this action under 42 U.S.C. §§ 405(g), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”)¹ denying her claim for Disability Insurance Benefits under the Social Security Act. This matter is before the court for review of the Report and Recommendation (“Report”) of the United States Magistrate Judge, made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 (D.S.C.). (ECF No. 20). In her Report, the magistrate judge recommends that the Commissioner’s decision be reversed and remanded pursuant to sentence four of § 405(g) for further proceedings consistent with the Report. Plaintiff has not filed any objections to the Report, and on June 29, 2017, the Commissioner filed a notice of her intent not to file any objections to the Report. (ECF No. 21).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the

¹Nancy A. Berryhill became the Acting Commissioner of the Social Security Administration on January 23, 2017. Pursuant to Fed. R. Civ. P. 25(d), Berryhill should be substituted for Carolyn W. Colvin as the defendant in this action.

absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough and careful review of the record, the court adopts the Report of the Magistrate Judge (ECF No. 20) which is incorporated herein by reference. The Commissioner’s final decision is **REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative review as set forth in the Report.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

June 30, 2017
Anderson, South Carolina